

Part 515 – Exhibits

Subpart B – Definitions

515.10 Terms

Terms	Definitions
Committed Funds	<p>EWP funds are considered committed when NRCS has agreed to fund a measure, States have been notified, and the sponsoring local organization has been advised, in writing, that they may proceed to acquire land rights and/or permits. Committed funds may include the following:</p> <ul style="list-style-type: none"> • Financial assistance funds committed to the specific project, but held in a State Drawing Account. • Financial assistance funds committed to the specific sponsor within the project area. • Financial assistance funds committed to the specific project that has been allocated to the State.
Construction Cost	<p>Construction cost is a part of project cost. Construction costs are associated with the installation of the facility including labor, equipment and materials. For construction contracts, it is the amount paid the contractor.</p>
Consultation on Cultural Resources	<p>Consultation is the legal responsibility of Federal agencies to seek advice, guidance and counsel from and to confer with authorized parties on program, project, and policy issues. These issues include all matters related to cultural resources compliance. Authorized parties include, but are not limited to, State Historic Preservation Officers, American Indian Tribes, Tribal Historic Preservation Officers, project partners, landowners, the Departmental Consulting Archeologist, the Advisory Council on Historic Preservation and interested members of the public.</p> <p>For additional information on consultation on cultural resources, see the National Cultural Resources Procedures Handbook especially Subpart G, Appendices. Special guidance on NRCS responsibilities for cultural resources consultation with American Indian Tribes is found in Appendix 601.62 “Guidance on NRCS Cultural Resources Consultation with American Indian Tribes in Accordance with the National Historic Preservation Act of 1966 and Other Related Authorities”</p>

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Cultural Resources	<p>Cultural Resources, in NRCS, are considered equivalent to "historic properties" as defined by the Advisory Council on Historic Preservation regulations for compliance with Section 106 of the NHPA. They include any prehistoric or historic district, site, building, structure or object listed in or eligible for listing in the National Register of Historic Places (maintained by the Secretary of the Interior). They also include all records, artifacts and physical remains associated with the historic properties. They may consist of the traces of all of the past activities and accomplishments of people. Cultural resources that are also protected under other authorities (such as the American Indian Religious Freedom Act) include:</p> <ol style="list-style-type: none"> (1) Tangible traces such as districts, sites, buildings, structures and objects (2) Less tangible traces such as dance forms, aspects of folk life, landscapes and vistas, and cultural or religious practices (3) Historical documents (4) Some landscapes, vistas, cemeteries (if they have historic or cultural value) and lifeways. See the NRCS National Cultural Resources Procedures Handbook for further discussion of cultural resources and NRCS responsibilities
Defensibility	<p>The selected alternative is defensible if the combined beneficial effects exceed the combined adverse effects and it is as follows:</p> <ul style="list-style-type: none"> • In compliance with Federal, State, Tribal, and local laws. • Acceptable to affected individuals and communities. • Effective in restoring and/or protecting the natural resources. • Complete with all necessary components included. • Efficient in achieving the desired outcome. This includes the consideration of the following criteria or issues from the DSR: <ul style="list-style-type: none"> - Economic - Environmental - Social - Technical Feasibility
Drawing Account	<p>Funding account held at NHQ that is committed to a specific EWP project in a State. Funds are withdrawn upon request by the STC.</p>
DSR Team	<p>An interdisciplinary team that determines and documents eligibility for EWP assistance.</p>

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Terms	Definitions
Emergency Measures	Actions implemented in order to safeguard life or property by removing or reducing hazards created by a natural disaster
Exigency	A situation that demands immediate action to avoid potential loss of life or property, including situations where a second event may occur shortly thereafter that could compound the impairment, cause new damages or the potential loss of life if action to remedy the situation is not taken immediately.
Federal-Aid Highway	Any public highway, roadway, or other road eligible for the Emergency Relief Program administered by the Federal Highway Administration of the Department of Transportation. The Emergency Relief (ER) Program will help State and local highway agencies pay the unusually heavy expenses of repairing serious damage to the Federal-aid system resulting from President-declared natural disasters or catastrophic failure.
Floodplain Easement	A reserved interest easement, which is an interest in land, defined and delineated in a deed whereby the landowner conveys all rights and interest in the property to the grantee, but the landowner retains those rights, title, and interest in the property which are specifically reserved to the landowner in the easement deed
Imminent Threat	A subsequent natural occurrence event that would cause significant damage to property and/or threaten human life.
Improved Property	Permanent improvements such as homes, businesses, farmsteads, roads, bridges, utilities, and enduring conservation practices.
Installation Costs	All costs associated with the physical application of a recovery measure and include site preparation, earth work, and structural materials, including costs associated with required mitigation.
Levee	An embankment built to prevent high water from flooding the adjacent land.

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Terms	Definitions
<p>Limited-Resource Area</p>	<p>An area (usually a county or parish), where all of the following are present:</p> <ul style="list-style-type: none"> • Housing values are less than 75 percent of the State housing average value. • Per capita income is 75 percent or less than the median income of the Nation. • Unemployment is twice the U.S. average over the past three years based upon the most recent national census information available. <p>A unit of government or a group of people within a bounded geographical area who interact within shared institutions and who possess a common sense of interdependence and belonging where—</p> <ol style="list-style-type: none"> (1) Housing values are less than 75 percent of the State housing value average. (2) Per capita income is 75 percent or less than the National per capita income. (3) Unemployment is at least twice the U.S. average over the past three years based upon the annual unemployment figures. <p>NRCS will use the most recent National census information available when determining (1) and (2) above.</p>
<p>National EWP Wait List</p>	<p>EWP projects not funded will be placed on a national wait list until such time funding is made available for the projects.</p>
<p>Natural Occurrence</p>	<p>Includes, but is not limited to, floods, fires, windstorms, hurricanes, ice storms, typhoons, tornadoes, earthquakes, volcanic actions, slides, and drought.</p>
<p>Obligated Funds</p>	<p>EWP funds are considered obligated when a project agreement is signed for a locally awarded contract (or force account) or a Federal contract is awarded.</p>
<p>Operation and Maintenance</p>	<p>See National O&M Manual</p>
<p>Outreach</p>	<p>Ensuring that the public is informed of the availability of the EWP program and its purpose of supplying assistance in recovery work.</p>
<p>Partner</p>	<p>An entity that works in conjunction with NRCS and is responsible for, or involved in, local emergency activities.</p>

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Plan of Operations	A written plan that describes the resources required and time line to complete the work. The plan of operation includes a detailed the cost for employees' time, equipment type and time, and type and quantity of materials needed to accomplish the work. The plan of operation provides a schedule (dates) for accomplishing various phases of the work.
Project Costs	<p>Project costs include both the initial capital cost and the subsequent operation and maintenance costs. The capital cost for a construction project includes the expenses related to the initial establishment of the facility and includes:</p> <ul style="list-style-type: none"> Land acquisition, including assembly, holding and improvement Planning and feasibility studies Architectural and engineering design Contract administration Construction, including materials, equipment and labor Field supervision of construction Construction financing Insurance and taxes during construction Owner's general office overhead Equipment and furnishings not included in construction Inspection and testing <p>For EWP, costs for sponsor costs related to permits and land rights are not eligible costs for reimbursement.</p>
Project Performance Time	The time allotted to complete construction. The time allotted is 220 days for emergencies and 10 days for exigencies from the date funds are made available. (Also referred to as time limits.)
Project Sponsor	<p>A State government or a State agency or a legal subdivision thereof, local unit of government, or any Native American tribe or tribal organization as defined in Section 4 of the Indian Self-Determination and</p> <p>Education Assistance Act (25 U.S.C. 450b), with a legal interest in or responsibility for the values threatened by a watershed emergency; is capable of obtaining necessary land rights; and is capable of carrying out any operation and maintenance responsibilities that may be required.</p>
Property	Property is considered any man-made structure permanently affixed to land such as, but not limited to, houses, buildings, roads, utilities, structures, dams, etc. Property does not include standing timber, growing crops, and other agronomic crops.

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Recovery Measure	Actions that restore the natural resources to either a stable or predisaster condition, that will not cause increased adverse impacts, and are technically adequate.
Service Costs	Costs associated with measure preparation and quality assurance and include field surveys, design, inspection, and contract award/administration
Tiering	<p>40 CFR 1508.28 Tiering</p> <p>"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:</p> <ul style="list-style-type: none"> A. From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis. B. From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). <p>Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet rip.</p>
Time Limits	The time allotted to complete construction. The time allotted is 220 days for emergencies and 10 days for exigencies from the date funds are made available. (Also referred to as project performance time.)
Watershed Emergency	Adverse impacts to resources exist when a natural occurrence causes a sudden impairment of a watershed and creates an imminent threat to life or property.
Watershed Impairment	The situation that exists when the ability of a watershed to carry out its natural functions is reduced to the point where an imminent threat to health, life, or property is created. This impairment can also include sediment and debris deposition in floodplains and upland portions of the watershed.